

Notice of Allowability

Application No.

09/735,550

Applicant(s)

GUIRGUIS, RAOUF A.

Examiner

Christopher L. Chin

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 2/18/05.
2. ☒ The allowed claim(s) is/are 22-43.
3. ☒ The drawings filed on 14 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/18/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Christopher L. Chin
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Applicants should note the attached listing of claims 22-43. The text next to the claims, as originally filed, was removed to obviate any potential problems with the printing of the reissue patent. The substance of the claims have not been changed in any way.

a.) Replaced claim 39 with the following:

"39. (Amended) The apparatus of claim 38, wherein the specimen cup includes a lid through which the first inlet communicates with the specimen cup via a tube which extends into the specimen cup, and wherein said tube has at least two perforations at different longitudinal points along its length."

b.) Original Figure 10 has been bracketed to indicate its deletion in favor of amended Figure 10. Aside from the insertion of the brackets, nothing else has been changed in original Figure 10.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher L. Chin whose telephone number is (571) 272-0815. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher L. Chin
Primary Examiner
Art Unit 1641

11/29/05

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CLMPTO

11/22/05

CC

Claims 1-21 are cancelled.

22. (New) An apparatus comprising:

a plurality of specimen collection containers defining a fluid flow path,
intermediate ones of said plurality of specimen containers each having an inlet and an
outlet, wherein at least one of said plurality of specimen containers has
chromatographic bed material for capturing at least one analyte.

23. (New) The apparatus of claim 22, wherein a first of said intermediate containers has
a filter disposed between its inlet and its outlet.

24. (New) The apparatus of claim 23, wherein one of said specimen collection
containers is a specimen cup, wherein said specimen cup is in fluid communication with
the inlet of said first of said intermediate containers, wherein the outlet of said first of
said intermediate containers is in fluid communication with the inlet of a second of said
intermediate containers, and wherein the outlet of said second of said intermediate
containers is in fluid communication with a pump.

25. (New) The apparatus of claim 24, wherein the pump is a syringe.

26. (New) The apparatus of claim 22, wherein the container having chromatographic bed material is one of said intermediate containers, and wherein said chromatographic bed material can pass freely through the outlet of said intermediate container.

27. (New) The apparatus of claim 26, wherein said container having chromatographic bed material includes a filter, wherein the filter of said container having chromatographic bed material is positioned at the inlet of said container having chromatographic bed material, and wherein said filter prevents said chromatographic bed material from passing through the inlet of said container having said chromatographic bed material.

28. (New) The apparatus of claim 26, wherein said chromatographic bed material is a plurality of beads.

29. (New) The apparatus of claim 22, wherein one of said specimen collection containers is a pump, and wherein said pump is in fluid communication with the outlet of a final of said intermediate containers.

30. (New) The apparatus of claim 29, wherein said pump is a syringe.

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31. (New) An apparatus comprising:

a plurality of specimen collection containers defining a fluid flow path,
intermediate containers of said plurality of specimen containers each having an inlet
and an outlet; wherein at least one of said plurality of specimen containers has a filter
for capturing cells, and wherein said plurality of specimen containers includes a pump
which is in fluid communication with the outlet of a final of said intermediate containers.

32. (New) The apparatus of claim 31, wherein one of said specimen collection
containers is a specimen cup, wherein said specimen cup is in fluid communication with
the inlet of a first of said intermediate containers, wherein the outlet of said first of said
intermediate containers is in fluid communication with the inlet of said final of said
intermediate containers.

33. (New) The apparatus of claim 32, wherein the pump is a syringe.

34. (New) The apparatus of claim 32, wherein the at least one of said specimen
containers having a filter for capturing cells is the first of said intermediate containers.

35. (New) The apparatus of claim 34, further comprising:

a slide, wherein the filter of said at least one of said specimen containers having
a filter for capturing cells can be removed from said at least one of said specimen
containers having a filter and positioned on the slide.

36. (New) The apparatus of claim 32, further comprising:

a lid removably secured to said specimen cup; and

a luer lock, wherein said first of said intermediate containers is affixed to the lid,
wherein the outlet of said first of said intermediate containers is connected to the inlet of
the final of said intermediate containers by said luer lock.

37. (New) An apparatus comprising:

a first housing having a first inlet and a first outlet, said first housing defining a
first portion of a fluid flow path and having a filter disposed between the first inlet and
the first outlet; and

a second housing having a second inlet and a second outlet, said second
housing defining a second portion of the fluid path and having chromatographic bed
material disposed between the second inlet and the second outlet.

38. (New) The apparatus of claim 37, further comprising:

a specimen cup in fluid communication with the first inlet.

39. (New) The apparatus of claim 38, wherein the specimen cup includes a lid from
which the first housing extends into the specimen cup, and wherein said first housing
has at least two perforations at different longitudinal points along its length.

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40. (New) The apparatus of claim 39, wherein the specimen cup is removable from the apparatus.

41. (New) The apparatus of claim 37, further comprising:

a pump in fluid communication with the second outlet.

42. (New) The apparatus of claim 41, wherein the pump is a syringe.

43. (New) The apparatus of claim 37, further comprising:

a filter,

wherein the chromatographic bed material is a plurality of beads, wherein the plurality of beads are capable of capturing at least one analyte, and wherein the filter prevents the plurality of beads from passing through the inlet of said second housing.

FIG. 10

